EDITOR'S NOTE

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Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

NO._____

THE SUPREME COURT OF THE UNITED STATES

In re Gary R. Wall, William Cooksey Sr., Stephen Manos,
Petitioners

v.

Hon. Chester J. Straub Circuit Judge, Hon. Ralph K. Winter Circuit Judge, Hon. Thomas J. Meskill Circuit Judge, Hon. Janet C. Hall District Judge, Respondents Robert D. Luskin, Vere O. Haynes, Laborers' International Union, Laborers' Local 230
Respondents

On Petition For an Extraordinary Writ to The United States Court of Appeals For the Second Circuit

PETITION FOR A WRIT OF MANDAMUS

Submitted By:
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Rule 14(1)(a) Questions – Five Questions

1. Did the Second Circuit's Panel of Hon. Chester J. Straub, Hon. Ralph K. Winter, Hon. Thomas J. Meskill deliberate failure to answer the documented claim of "intentional concealment" of an Amended Civil Rights Act Complaint by District Judge Hon. Janet C. Hall, equate to a usurpation of judicial power, violating the cited petitioners 5th Amendment rights to due process, and in so doing, warrant the use of an Extraordinary Writ [28 USC 1651(a) Writ of Mandamus] to this exceptional circumstance, as a remedy to protect the cited petitioners – basic fundamental constitutional right to have the timely filed, amended by leave of Court, Amended Civil Right Act Complaint (Claim II Action In Equity) Entered in the District Court Docket – and Ruled on.

2. Did the Second Circuit's Panel of Hon. Chester J. Straub, Hon. Ralph K. Winter, Hon. Thomas J. Meskill abdicate its judicial power and responsibility by evading the documented claim, in petitioners Petition for a Panel Rehearing – that the memorandum [Red stamp timely filed

August 11, 2000] and Titled – "Plaintiffs Memorandum of Law In Support of Plaintiffs Amended Complaint Form – Claim II Civil Rights" was fraudulently post dated eleven (11) days late in both the District Docket Sheet and in the "Index to the Record on Appeal" – And intentionally falsely identified as a "Motion to Amend" by the District Court – in order that said memorandum, not be identified for what it was and is – a Memorandum In Support, of a Concealed Civil Rights Act Complaint [copy of both complaint and memorandum were entered in 2d Cir. as Attachment #18 and 19 red time stamp did not show up on copy but is – clear on original "August 11 12:46 PM '00] And then in collusion with said fraudulent post dating and false identification of the memorandum –the panel rules in their Summary Order that the falsely identified memorandum was untimely filed on August 22, 2000. In so doing, did the 2d Cir. panel and the District Court commit an act of usurpation of judicial power – violating the cited petitioners 5th amendment right to due process and in so doing, warrant the use of an Extraordinary Writ

[28 U.S.C. 1651(a) Writ of Mandamus] to this extra-ordinary circumstance as an extraordinary remedy to protect the petitioners' fundamental constitutional rights.

3. Did the Second Circuits panel of Hon. Chester J. Straub, Hon. Ralph K. Winter, Hon. Thomas J. Meskill evade their judicial responsibility and duty, by their failure to address – the judicial misconduct claim [28 U.S.C. 372(c)] against District Judge Hon. Janet C. Hall – that was clearly cited and documented in appellants Petition for a Rehearing/Rehearing En Banc – and in so doing warrant the use of an Extraordinary Writ 28 U.S.C. 1651(a) Writ of Mandamus – in order to protect the cited petitioners fundamental constitutional rights.

4. Did the Second Circuits panel of the Hon. Chester J. Staub, Hon. Ralph K. Winter, Hon. Thomas J. Meskill evade their supervisory power and jeopardize the integrity of the Federal Judicial System by, first holding in New York for one year, after it was decided companion case – District No. 3:97-CV-00942(JCH) Appellate No. 99-7733 "Wall –v- Construction General Laborers' Union, Local

230, 224 F. 3d 168 (2d Cir. 2000)" , 99-7773 Held in the Second Circuit until they decided District No.3:97-CV- . 02502(JCH) Appellate No. 00-9004. And then, 99-7773 sent back on Remand to the same district Judge (Hon. Janet C. Hall) that a claim of judicial misconduct [28 U.S.C. 372 (c)] was filed against in 00-9004 – further supporting the use of an Extraordinary Writ in order to protect the integrity of the Judicial System.

5. Did the political influence, status and power of the cited wrongdoers and lead defendant compared to the [citizen status] of the three pro se petitioners – compromise the Second Circuit's and the District Court's judicial responsibility and duty to protect the United States Constitution, by allowing and permitting the [documented] deliberate "intentional concealment" of a Civil Rights Act Complaint – and in doing so, violate the basic fundamental rights of citizens of the United States. That being: The right to file a Civil Rights Act Complaint – have it heard on its merits and ruled on granted or denied. The petitioners therefore state that, this is a case of

extraordinary circumstance – that the United States Supreme Court has the duty to resort to the extraordinary powers conferred by 28 U.S.C. 1651(a) – to compel the inferior Courts to exercise their prescribed jurisdiction and authority to protect the Civil Rights of the cited petitioners.

In compliance with Rule 14(1)(a) no other information will appear on this page.

V

SUP. CT. RULE 14 (1)(b) – Hon. Chester J. Straub Circuit Judge, Hon. Ralph K. Winter Circuit Judge, Hon. Thomas J. Meskill Circuit Judge Second Circuit Respondents – Hon. Janet C. Hall District Judge Respondent – Robert D. Luskin "In House Prosecutor" Signatory to the "Operational Agreement" with the United States – Vere O. Haynes 1st Vice President Laborers' International Union of North America, Signatory to the "Operational Agreement" with the United States under color of law Respondents – Laborers' International Union, the entity (LIUNA) – International Trade Union subject to government oversight pursuant to the "Operational Agreement" with the United States, Laborers' Local 230 the entity (Local 230) Local Union of parent international (LIUNA) in the meaning of Sup. CT. Rule 29.6 – subject to government oversight pursuant to the "Operational Agreement" with the United States.

Caption of the Case in District

Amended Complaint Form

Claim II Civil Rights

Action In Equity Pursuant To Rule 18(a) F.R.C.P. Defendant Luskin Pursuant to Leave of Court Defendant Haynes, LIUNA, Local 230 Pursuant to Rule 15(c) F. R. C. P.

Gary R. Wall
William Cooksey Sr.
Stephen Manos
Plaintiffs

Case No: 3:97-CV02502(JCH)

-v-

Robert Luskin
Vere O. Haynes
Laborers' International Union of North America "LIUNA
Laborers' Local 230
Defendants

Dated: August 11, 2000

Robert D. Luskin under color of law pursuant to signed agreement with the Department of Justice.

Vere O. Haynes under color of law pursuant to signed agreement with the Department of Justice.

Cited Wrongdoers In Amended Civil Rights complaint Form

Wrongdoer #1- Arthur A. Coia, General President

LIUNA signatory Operational Agreement D.O.J. **Wrongdoer#2 -**

Anthony M. Traini Associate Robert D. Luskin Law Partner Arthur A. Coia **Wrongdoer #3 - Paul E. Coffey** Chief Organized Crime and Racketeering Section Criminal Division D.O.J./Signatory Operational Agreement **Wrongdoer#4 - Jo Ann Harriss** Assistant Attorney General/Signatory Operational Agreement with D.O.J. **Wrongdoer #5 – James B. Burns** United States Attorney Northern District of Illinois/Signatory Operational Agreement with LIUNA – D.O.J. **Wrongdoer#6 – Assistant U. S. Attorney Alex Whiting** Boston, Massachusetts **Wrongdoer #7 – Assistant U. S. Attorney Ernest DiNisco** Boston, Massachusetts **Wrongdoer #8 – United States Attorney Donald Stern** Boston, Massachusetts **Wrongdoer #9** – Acting Chief Organized Crime and Racketeering Section Criminal Division D.O.J. **Wrongdoer #10 – Ms. Janet Reno,** Attorney General United States Criminal Division, Washington, D. C. **Wrongdoer #11 William Clinton,** President of the United States, 1600 Pennsylvania Avenue, Washington, D.C.

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Sup. CT. Rule 14(e) – Page 3

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Subparagraph (vi) – Pages A7, A8

1. Copy of Notice of Appeal taken on "**Claim I**" only.
2. Photo copy of face page of Civil Rights Act Complaint form – Red Stamp enhanced to show clearly "Aug. 11, 12:46 PM 00".
3. Photo copy of Face page of "Plaintiffs Memorandum of Law In Support of Plaintiffs Amended Complaint Form Claim II Civil Rights" – Red Stamp enhanced to show clearly "Aug. 11, 12:46 PM 00".
4. Photo copy of 2 pages of "Index to the Record on Appeal" page #23 and page #24 – showing "Amended Complaint Form Claim II Civil Rights" missing – and also showing the fraudulent post dating to 8/22/00 of "Plaintiffs Memorandum of Law in Support of Plaintiffs Amended Complaint Form Claim II Civil Rights".
5. Affidavit of Judith Dobrich District Court Dkt. #100 Appellate Court Attachment #12 – entered in Appendix (i)(vi).

X

6. Affidavit of Stephen Manos District Court Dkt. #101

Appellate Court Attachment #12 – entered in Appendix (i)(vi).

TABLE OF CITED AUTHORITIES

1) Festa –v- Local 3 Int'l Bhd of Elec. Workers, 905 F. 2d 35, 37 (2d Cir. 1990) Appendix (i) subparagraph (i) – Page A1

2) Gary R. Wall, William Cooksey Sr –v- Const. and Genl Laborers' Local 230, 224 F. 3d 168 (2d Cir. 2000) – Pages iii-iv, 3, 7, 15, 16

3) Hammerschmidt –v- United States 265 U. S. 182 – Page 10

4) Wall etal –v- Cheverie etal 2d Cir. 00-9004 – Page 15

5) United States –v- Dominick Lopreato 94-CR-00190(TFGD) – Page 15

6) United States –v- Joyce 153 Fed. Rep. 364 – Page 11

7) United States –v- Kraig 99 F. 3d 1361 (6th Cir. 1996) – Page 11

8) United States –v- Price 383 U. S. 787 – Page 12

9) United States –v- Turkish 458 Fed. Supp. 874 S. D. N.Y. – Page 10

Rule 14(d) First Relevant Citation District Court Ruling dated July 11, 2000 Entry Date July 12, 2000 At 34

---"For the foregoing reason, the plaintiffs' claim against defendant Luskin for violation of the due process clause is dismissed. However, unlike the RICO claims, this ruling is the first time the Court has addressed the plaintiffs' due process claim against Luskin. Therefore, the Court grants the plaintiffs one final opportunity to replead as to their due process claim only and only if they can allege sufficient facts that if proved, would show that (1) defendant Luskin is acting at the direction of the government, or pursuant to some rule of conduct imposed by the government, and (2) that defendant Luskin's actions resulted in the deprivation of the plaintiffs' liberty or property interest without due process of law".

Rule 14(d) Second Relevant Citation District Court Judgment Dated July 14, 2000

"The Court has reviewed all of the papers filed in conjunction with the motion and heard oral argument. On July 12, 2000, a ruling on pending motions entered

/

granting the defendants' Cheverie et al motion to dismiss with prejudice and granting defendant Luskin's motion to dismiss with prejudice except that it is without prejudice as to the due process claim only".

Rule 14(d) Third Relevant Citation Circuit panel Summary Order dated September 6, 2001 at 5:

----"We find that the District Court properly denied the plaintiffs' motion to amend, because that motion was ultimately filed on August 22, 2000, more than thirty days after the Court's July 11 dismissal."

Rule 14(d) Fourth Relevant Citation Circuit panel dated November 15, 2001

"A petition for panel rehearing and a petition for rehearing en banc having been filed herein by the appellant's Gary R. Wall and William Cooksey Sr and Stephen Manos,

Upon consideration by the panel that decided the appeal, it is ordered that said petition for rehearing is Denied.

"It is further noted that the petition for rehearing en banc has been transmitted to the judges for the Court in regular active service and to any other Judge that heard the appeal

and that no such Judge has requested that a vote be taken thereon."

Rule 14(d) Fifth Relevant Citation Circuit panel Summary Order dated September 6, 2001

"The facts giving rise to this action are described in this Court's opinion in Wall –v- Construetion & General Laborers' Union, Local 230, 224 F. 3d 168 (2d Cir 2000).

Rule 14 (e) The statement for jurisdiction in this Court is in aid of its appellate jurisdiction and general supervisory control.

Rule 14(e)(i) Circuit panel Summary Order dated September 6, 2001 (00-9004).

Rule 14(e)(ii) Petition for panel rehearing en banc denied November 15, 2001

Rule 14(e)(iii) NA

Rule 14(e)(iv) 28 U.S.C. 1651(a)

Rule 14(f) Constitutional provisions – statutes – set out verbatim with appropriate citations although – never ruled on because of "intentional concealment" of amended complaint.

"Both clauses of 18 USC 371 and in the furtherance of said conspiracy violating the due process clause of the 5th

amendment of the United States Constitution, causing proximate harm in the form of violations of 18 USC 1962(b)(c)(d), 18 USC 1961(1)(5) 18 USC 1951, 18 USC 1951(b)(2), 18 USC 1341, 18 USC 1343, 18 USC 2, 18 USC 1512, 29 USC 530, 29 USC 501(a), 29 USC 501(c), 18 USC 1959, 29 USC 401, 29 USC 411."

Rule 14(g) Concise statement – setting out facts material to consideration

This case originated as Claim II Civil Rights Complaint – as a separate complaint in a RICO Action 18 USC 1964(c). The plaintiffs were in error the first time they brought the Civil Rights Act Complaint – reason being it was wrongly brought under the authority of the 14th Amendment; Thereafter by ruling dated July 11, 2000 entry date July 12, 2000. The District Court stated:

"However, unlike the RICO claims, this ruling is the first time the Court has addressed the plaintiffs due process claim against Luskin. Therefore, the Court grants the plaintiffs one final opportunity to replead as to their due process claim only"---

On August 11th the plaintiffs repleaded and filed their amended complaint in which the harm is best explained by quoting footnote #1 page 5 of "Plaintiffs-Appellants Petition For Panel ReHearing Pursuant to F.R.A.P. 40 With Petition For a ReHearing En Banc Pursuant to F.R.A.P. 35(b)"

Quote Footnote #1 page 5:

> "Because of the serious nature of this action I hand delivered with William Cooksey Sr. accompanying me, both the "Amended Civil Rights Complaint" and the memorandum In Support on August 11, 2000, to the District Court in Bridgeport the red stamp of date and time does not show up under reproduction, but I have the two originals that show clearly, August 11, 12:46PM 00. Documented proof that Judge Hall committed two acts of carefully thought out deliberate deception, regarding a serious Civil Rights Complaint – violating the plaintiffs-appellants 5th amendment rights to due process and in so doing violating 28 USC 372(c)".

The complaint form was never entered in the District Docket sheet or the "Index to the Record on Appeal" and the memorandum in

support was deliberately, wrongly identified as a motion to amend and fraudulently post dated on the District Docket sheet and "Index to the Record on Appeal" (11) eleven days late. Thereafter, the Second Circuit panel ruled in their Summary Order dated September 6, 2001 At 5

> ---"We find that the District Court properly denied the plaintiffs' motion to amend, because that motion was ultimately filed on August 22, 2000, more than thirty days after the Court's July 11, dismissal".

The aforementioned – were the material points requiring consideration of the (5) Five, Rule 14(1)(a) questions.

Rule 14(g)(ii) bases for federal jurisdiction in the Court of first instance 28 U.S.C. 1331/28 U.S.C. 1391

Rule 14(h) The petitioners' concise argument amplifying the reasons relied on for allowance of the writ pursuant to Sup. CT. Rule 10(a) are:

First reason the United States Court of Appeals in the Second Circuit – Second Circuits panel of the Hon. Chester J. Straub, Hon. Ralph K. Winter, Hon. Thomas J. Meskill ---"has so far departed from the accepted and usual course of judicial proceedings," by

sanctioning the intentional concealment of an Amended Civil Rights Act Complaint – And also sanctioning, the fraudulent post dating of the Memorandum of Law in Support of said Civil Rights Act Complaint. [Picture of cover pages of Complaint Memorandum and revelant portion of "Index to the Record on Appeal" attached to Appendix (i)(vi)]

Second reason the Second Circuits panel of Hon. Chester J. Straub, Hon. Ralph K. Winter, Hon. Thomas J. Meskill deliberately avoided answering the petitioners charge of judicial misconduct pursuant 28 USC 372(c) against District Court Judge Hon. Janet C. Hall – and then remanded back to Hon. Janet C. Hall companion case Wall –v- Construction. Gen. Lab. Union Local 230, 224 F. 3d 168(2d Cir 2000) [as of this filing depositions are being taken by the two pro se plaintiffs in Wall Supra].

Third reason supporting an extraordinary circumstance is the "Operational Agreement" with the United States, quote the agreement titled "Summary of LIUNA-Government Agreement" dated February 13, 1995:

> "This agreement is a first – of – its – kind in the history of union-government partnering and represents a further

example of what LIUNA has done to advance co-operation at a national level. It is completely different from the International Brotherhood of Teamsters situation, which was an example of government take-over and control of a union".

The motivation for the "Operational Agreement" was a 212 page RICO complaint drafted by the Department of Justice on or about early October 1994 naming Arthur A. Coia General President Laborers International Union as lead defendant. In or about that same time Arthur A. Coia hired respondent Robert D. Luskin to defend himself against the not yet filed Justice department charges [Robert D. Luskin was not an outside attorney as stated in the signed agreement with the D.O.J. dated February 13, 1995]. On October 21, 1994, there was a White House meeting in the Oval Office participants were Arthur A. Coia, President Clinton and a former (LIUNA) Attorney Harold Ickes, then serving as President Clinton's No. 2 White House Aid. Shortly thereafter Arthur A. Coia donated $3,076,000.00 through (LIUNA) to the Democratic National Committee for the 1995-1996 election cycle. The Department of Justice now allows Arthur A. Coia to use his

defense attorney as an outside attorney and to choose his own Judge, Prosecutor and Appellate Judge to defend himself against the 212 page RICO complaint which had to be written off a prosecution memo – that no Court has ever seen – that must have had violations of 18 U.S.C. 1962(c)(d)/18 U.S.C. 1961 (1,5) incorporated in it and must have cited an enterprise in the meaning of 18 U.S.C. 1961(4). On March 8, 1999 wrongdoer Arthur A. Coia was cleared of all racketeering counts [in the 212 page complaint] by respondent "In House Prosecutor" Robert D. Luskin and wrongdoer D.O.J. officials. The only charge that wrongdoer Coia was found guilty of was failing to pay federal taxes on a $450,000 Ferrari he'd bought at a cut rate with the help of a union vendor; And, was ordered to pay a $100,000 fine.

In addition to the three reasons just cited by the petitioners for the issuance of an Extraordinary Writ – there is the extraordinary circumstance of a politically corrupt Justice Department and a politically influenced Second Circuit panel and District Court Judge – that has allowed a conspiracy against the United States both clauses (18 U.S.C. 371) to occur and go unchallenged and unfettered.

18 U.S.C. 371 Conspiracy to commit offense or to defraud the United States

> "If two or more persons conspire either to commit any offense against the United States, or to defraud the United States or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy each shall be fined not more than $10,000 or imprisoned not more than five years or both"---

See: United States –v- Turkish 458 Fed. Supp. 874 S.D. New York Finding #8 Conspiracy

> "Element of offense of conspiracy to defraud United States is interference with obstruction of lawful government function 18 U.S.C. 371"

Also see Turkish Supra at 884 citing United States Supreme Court Hammerschmidt –v- United States 265 U. S. 182, At 188

> ---"To interfere with or obstruct one of its [The United States] lawful government functions by deceit, craft or trickery, or at lest by means that are dishonest"

Defraud clause in the Turkish Case [Department of Treasury]

Defraud clause in this instant case [Department of Justice]

Also see: United States –v- Joyce 153 Fed. Rep. 364 Finding #4

> "The crime of conspiracy to defraud the United States by corruptly administering or procuring the corrupt administration of the Frazier Lemke Act was complete when the unlawful agreement was made CR. Code 37, 18 U.S.C. 88"
>
> - predecessor to 18 U.S.C. 371

In Joyce Supra the corrupt administering and corrupt procuring of the Frazier Lemke Act. In this instant case the corrupt administering and corrupt procuring of Title IX Organized Crime Control Act 1970 commonly known as R.I.C.O.

Also see: United States –v Kraig 99 F. 3d 1361 (6th Cir. 1996)

Defining both clause of 18 U. S.C. 371

See Finding #2:

> "Conspiracy to commit an offense against the United States and conspiracy to defraud the United States under federal conspiracy statute are two separate crimes"---

See Finding #3:

//

"Charging a defendant under "defraud" clause of federal conspiracy statute is appropriate when conspiracy is alleged to have violated more than one statute 18 U.S.C. 371"

In this instant case "more than one statute" means the 18 U.S.C. 371 conspiracy violated the three citizen petitioners' 5th amendment rights to due process causing proximate harm in the form of violations of 18 U.S.C. 1962(b)(c)(d), 18 U.S.C. 1961(1)(5), 18 U.S.C. 1951, 18 U.S.C. 1951 (b)(2), 18 U.S.C. 1341, 18 U.S.C. 1343, 18 U.S.C. 2, 18 U.S.C. 1512, 29 U.S.C. 530, 29 U.S.C. 501(a), 29 U.S.C. 501(c), 18 U.S.C. 1959, 29 U.S.C. 401, 29 U.S.C. 411

See also regarding under color of law United States Supreme Court

U. S. –v- Price 383 U. S. 787

The Court (a) "To act 'under color' of law does not require that the accused be an officer of the state. It is enough that he is a willful participant in joint activity with the state or its agents"

The petitioners' quote now "Summary of LIUNA – Government Agreement" in its relevant part:

"The Operational Agreement essentially provides that LIUNA with certain assistance from the government in the form of information and evidence, will under take internal reforms focused on implementing and enforcing disciplinary procedures"---

The process that was followed by the government pursuant to the signed agreement "Operational Agreement" was that the FBI Chicago Office and the U. S. Attorney Office, Washington D. C. and Chicago investigated what respondent "in house prosecutor" Robert D. Luskin directed them to investigate.

By doing this the "In house prosecutor" kept the [Coia "GOVERNANCE STRUCTURE" – Terminology used by President Regan's Crime Commission when referring to Arthur A. Coia and the leadership of LIUNA] out of harms way – harm in the meaning of R.I.C.O.

All three of the petitioners were questioned by FBI agents from Chicago and U. S. Attorney's from Washington, D.C. and Chicago.

A good example of the control and corrupt administration of the "Operational Agreement" investigations is District Court

Dkt. #100/Appellate Court attachment #12 affidavit of Judith Dobrich – and District Court Dkt. #101/Appellate Court Attachment #12 Affidavit of Stephen Manos – both copies entered in Appendix (i)(vi).

Respondent Robert D. Luskin criminally devised the "Operational Agreement" not only to stop Arthur A. Coia from being indicted but also, it was in full effect for 5 years – that was a purposeful time period, in order to protect his client and his clients "Associates In Fact" and their "Enterprise" from the last predicate act rule of R.I.C.O. [tolling 5 years].

The Operational Agreement is run by Ex-U.S. Attorneys and Ex FBI personnel all making huge salaries. As of 1997, Robert D. Luskin has made in excess of 5 million dollars in legal fees as "In House Prosecutor" and G.E.B. attorney. This case is not a matter of "Prosecutorial Discretion", it is about prosecutorial corruption.

It is a documented fact that Laborers' Local 230 has been looted three times on the record by the Coia Enterprise. Key officials of Local 230 are still in charge and their tenure goes back to the effective date of R.I.C.O. – when they took control of Local 230 with Arthur E. Coia, Sr., by filing fraudulent LM 15, LM 15A

and LM 16 Trusteeship Forms. The only key official removed was Dominick Lopreato by a Federal Judge, who is deceased – for Mr. Loperato's involvement in a $8,000,000 [million] pension scheme. Mr. Lopreato is a defendant in Wall –v- Local 230 et al Supra and in the Writ of Certiorari filed this same day Wall etal –v- Cheverie etal 00-9004. Respondent Luskin has given permission for Mr. Lopreato's legal expenses to be paid by the membership's money – even though he is barred by the Hon. Judge Daley order, in United States –v- Dominick Lopreato 94-CR-00190 (TFGD).

At a deposition in Wall etal –v- Local 230 etal Supra taken January 7, 2002 by pro se Wall – Lopreato deponent – gave his address as being the union attorney's office, and as I stated he is a barred individual pursuant to the Honorable Judge Daley's ORDER. The Judicial System of the United States has been completely eliminated here – and this is just a facial showing of the corruption and elimination of our due process rights and our rights as citizens of the United States of America.

There should never again be such a thing as the "Operational Agreement". This is an extremely dangerous precedent to be set. The "Operational Agreement" has left the

"GOVERANCE STRUCTURE" of an effective date, October 15, 1970 RICO enterprise, in control from the new General President, to the new General Secretary Treasurer of LIUNA, down to the officers of Local 230,all thirty years associates in fact, and the only exposure these "Associates In Fact" have to RICO – because of the "Operational Agreements" 5 year window scheme is, this instant action, if the Supreme Court remands the case back. The Operational Agreement will be exposed in the Courts for what it is – an 18 U.S.C. 1962(d) conspiracy [proximate harm against the plaintiffs] and a conspiracy against the United States 18 U.S.C. 371 – closing the 5 year window.

In ending to show the Court just how corrupt and blatantly arrogant this scheme against the United States was and is – in a deposition taken by petitioner Wall on November 26, 2001 Wall – v- Local 230 et al Case No. 3:97-CV00942(JCH) respondent Vere O. Haynes who is a part time 1st V. P. of Laborers' International Union and signatory to the Operational Agreement – testified that he did not know what the RICO Act was – did not know what LMRDA stands for, and did not know any of the U. S. Attorney he signed the Operational Agreement with, nor did he know what the

"Operational Agreement" was. It became very evident in the sworn deposition that respondent Haynes was used by respondent Luskin and wrongdoer Coia as a signatory to the Operational Agreement because he had no idea what he was signing, because he does not have the ability to comprehend it, and that he would sign anything he was told to sign. Also for the record, respondent Haynes was also a target of the 212 page draft complaint.

SUP CT RULE 20(1)

This petition for an Extraordinary Writ 28 U.S.C. 1651(a) (Writ of Mandamus) is in aid of the Supreme Court's Appellate Jurisdiction – it came to this Court from the denial of a petition for a panel rehearing/Rehearing En Banc from the Second Circuit dated November 15, 2001 original jurisdiction in the District Court 28 U.S.C. 1331/28 U.S.C. 1391.

The exceptional circumstances that warrant the exercise of the Supreme Court's discretionary powers are the documented intentional concealment of an Amended Civil Rights Act Complaint by the District Court and the Second Circuit Panel and the deliberate documented fraudulent post dating of the memorandum in support of the Amended Civil Rights Act

Complaint. In compliance with Sup. CT. Rule 20(2). The form of the writ is that prescribed by Sup. CT. Rule 14 insofar as applicable. Adequate relief cannot be obtained in any other form or from any other Court – all remedies in the inferior Courts have been exhausted.

RELIEF SOUGHT IN CONCEALED CIVIL RIGHTS ACT COMPLAINT

Quoted verbatim from page 13, 14, 15, and 16 of concealed civil rights act complaint – no district Court docket number (due to fact it was not docketed) entered in the Second Circuit 00-9004 as Attachment #18.

Quote:

> "F. REQUEST FOR RELIEF
>
> By reason of the serious facts alleged and shown in this amended complaint – obstructing the lawful government functions of the Department of Justice – corruptly administering and procuring the corrupt administration of the Racketeering Influenced and Corrupt Organization Act" causing proximate harm through overt acts to the plaintiffs rights to due process under the Fifth Amendment

of the United States Constitution. By reason also of the Congressional intentions of Congress RE: P. L. 91-452 Title IX. By reason also of the intentions of President Regan's Crime Commission RE: Governance Structure of LIUNAA, and pursuant to the liberal construction clause 904(a) of RICO.

"(a) The provisions of this title shall be liberally construed to effectuate its remdial purposes."

Pursuant also to the supersedure clause 904(b) of RICO

"(b) Nothing in this title shall supersede any provisions of Federal, State, or other Law imposing criminal penalties or affording civil remedies in addition to those provided for in this title".

Accordingly: Because of the cited defendants and wrongdoers in this Amended Complaint, the plaintiffs respectfully request this District Court to enforce the order and process of 18 USC 1964(a):

"(a) The District Courts of the United States shall have jurisdiction to prevent and restrain violations of Sections 1962 of this Chapter by issuing appropriate orders"--- In

this instant matter a referral to the Attorney General of the United States for a referral to an Independent Prosecutor or in the alternative, post presidential election a referral to the new Attorney General of the United States.

2d Request RELIEF FROM THE CAUSE REQUEST FOR THE IMPLEMENTATION OF CONGRESSIONAL MANDATE OF TITLE XII OF RICO

On October 15, 1970, the Organized Crime Control Act of 1970, commonly known as RICO, Public Law 91-452 was enacted into law. Public Law 91-452 was intended by Congress as a comprehensive attack on organized criminal activity providing the Executive Branch of the government with broad powers. In order to provide protection against abuses of these sweeping powers and practices, which in its opinion may infringe upon the individual rights of people, Title XII was mandated. Title XII of said act provided for the establishment of a National Commission on Individual Rights President Richard Nixon, in his capacity of President of the United States a public official within the meaning of Title 28 United States Code, Section

1361, refused to perform the clear duties imposed on him by Title XII of RICO, and Title XII was never implemented. This deficiency in RICO is the cause of the abuse and harm to the plaintiffs 5th Amendment Rights. The legislative history of Title XII demonstrates the intent of Congress was clear. Title XII was introduced in the House of Representatives by Congressman Roth on September 16, 1970.

Quote Congressman Roth:

"*I do not view the commission as just another commission but rather one that will in some way affect every man, woman and child in this country. The commission will be important in bringing to light intrusions upon our individual rights.*"

For Mr. Roth's entire remarks, see Congressional Record September 16, 1970 Vol. 116 page 32237.

On October 7, 1970 Congressman Price of Texas remarked on Title XII:

"At present there is no reasonably clear standard against which the Freedoms of the individual can be assessed. We

desperately need a reading on the state of individual rights, then it can be determined what actions need to be taken to foster and preserve the liberties we will hold so dear."

For Congressman Price's entire remarks see Congressional Record, October 7, 1970, Vole 115 Part 27 Page 35321.

It is very evident that the United States Attorney's Office are abusing these powers because Title XII was never implemented. In Boston alone in the last few months the Boston U. S. Attorneys Office has made deals with professional murderers and professional pension thief Arthur A. Coia CR NO. OO. If the commission existed, Mr. Coia Criminal Case Number would have been the same as Mr. Lopreato's and the indictment would have been based on 18 U.S.C. 1952. See attached to plaintiff Memorandum Exhibit B Copy of Title XII.

The plaintiffs claim harm from the non-implementation of a congressional mandate and therefore as a 2d Request, request the Court to implement its power under U.S.C. 1964(a) and enact the appropriate order.

"(a) The District Courts of the United States shall have jurisdiction to prevent and restrain violations of Section 1962 of this Chapter by issuing appropriate Orders"."

RELIEF SOUGHT UNDER RULE 20 IN THE SUPREME COURT

To direct the District Court to docket the Amended Civil Rights Act Complaint, and to identify the Memorandum In Support as such, and rule on said Amended Complaint and Memorandum In Support.

Submitted By:

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